

HERITAGE RESOURCES

Introduction

Heritage resources involve the conservation of archeological, cultural, architectural, and historic sites and artifacts. This section describes the existing heritage resource conditions of the Logan Creek area and how the no action and action alternatives would affect the various components of this resource. The effects analysis focuses on those areas where potentially ground-disturbing activities, such as timber harvesting, are proposed. Activities that only involve the use of hand crews and no heavy equipment, such as prescribed burning, would typically not receive consideration from heritage resource personnel.

Differences Between the DEIS and FEIS

This Heritage Resources section in the FEIS differs from the same section in the DEIS in that the new Alternative F was considered. A discussion of the Region One Programmatic Agreement and the Site Inventory Strategy was added. An update to the results of surveys taken this past summer was included.

Information Sources

The Flathead National Forest is taking a multi-phase approach to cultural resource compliance [36 CFR 800.3(c)] for the Logan Creek analysis. This is possible because of the site-specific nature of cultural resources and cultural resource compliance. The first phase is a reconnaissance level inventory of known cultural resources and a sampling of areas with a high probability for the occurrence of additional cultural resources. A pre-survey files search for information on previously recorded heritage sites in the proposed project area is also conducted. This phase includes initial consultation with the Confederated Salish and Kootenai Tribes to identify any concerns they may have regarding traditional cultural properties, traditional use plants, and areas of spiritual importance in the analysis area. The second phase occurs prior to actual project implementation and requires a thorough inventory of all proposed undertakings so as to locate, record, and evaluate the historical significance of any identified heritage resources. It is at this time that Section 106 consultation with the Montana State Historic Preservation Office (MtSHPO) would be completed to determine the historic significance and National Register eligibility of any identified sites, potential project effects to such sites, and methods for avoidance or management of adverse effects. The Region One Programmatic Agreement (R1PA) between the USDA Forest Service, the MtSHPO, and the Advisory Council for Historic Preservation (ACHP) provides a streamlined consultation process.

The field inventory strategy is defined in the Site Inventory Strategy (SIS) (Exhibit K-1) and involves pedestrian reconnaissance in areas proposed for future timber harvest or other ground-disturbing activity. Regardless of the degree or type of harvesting prescription,

heritage resource personnel inventory the affected areas based upon topography with "high probability areas" (ridge tops, peaks, stream terraces) receiving 100 percent coverage, "medium probability areas" (slopes less than 30 percent, rock outcrops, erosional surfaces) receiving 40 percent coverage, and "low probability areas" (slopes in excess of 30 percent, north-facing slopes, heavily timbered slopes with abundant deadfall and understory) receiving 10 percent coverage.

Any heritage resource sites discovered during the two-part inventory are recorded and their National Register eligibility status evaluated in consultation with MtSHPO.

Analysis Area

The analysis area for heritage resources, which encompasses all lands within the boundaries of Logan Creek watershed (61,266 acres), was selected because all proposed management activities would occur within this area, and the effects on heritage resources would not extend beyond the project boundary.

Affected Environment

Previously Identified Heritage Resources

Prior to the two-phase inventory, the forest's Heritage Resource staff conducted an in-house files search for information on known, previously recorded heritage resources in the Logan Creek analysis area. General Land Office plat maps, BLM Land Status Records, historic forest maps, and the forest's cumulative site and survey atlas were all referenced for site information.

The file search identified 24 recorded historic sites in the Logan Creek drainage. Of these, there were two recorded prehistoric sites and six historic period sites in or near the analysis area. There have been at least 88 previous cultural resource inventories in the analysis area.

Results of Survey Methodology

As of this writing, a complete pedestrian inventory for discovery of important cultural resources has not been completed for the entire Logan Creek analysis area. Field reconnaissance was completed for the first area of project implementation (Reid Creek, Taylor Creek, and Oettiker Creek areas) in 2003 and located one cultural site. This site is the extensive remains of a logging/mill site from the 1940s and/or 1950s. The site is probably eligible for listing in the National Register of Historic Places. However, the site is located outside the boundaries of proposed ground-disturbing activities and will not be affected. Previous inventories located one Indian scarred tree site in the analysis area. Treatment methods to protect the scarred trees have been developed in consultation with the MtSHPO and the CSKT. Additional known cultural sites are located outside areas of potential effect. Surveys have been and will continue to focus on areas proposed for ground-disturbing activities, such as timber harvest units and road construction. Additional field review would occur during the

snow-free periods beginning in 2004 within boundaries of the subsequent Logan Creek implementation areas.

Discussions with the Confederated Salish and Kootenai Tribes (CSKT) have not identified any concerns in the project area. Consultation with the CSKT will continue.

REGULATORY FRAMEWORK

The USDA Forest Service is mandated to comply with the National Historic Preservation Act of 1966 (NHPA) [Public Law 89-665]. "Section 106 of the NHPA requires that Federal agencies with direct or indirect jurisdiction over Federal, federally assisted, or federally licensed undertakings afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity for comment on such undertakings that affect properties included in or eligible for inclusion in the National Register of Historic Places (NRHP) prior to the agency's approval of any such undertaking" [36 CFR 800.1]. Historic properties are identified by a cultural resource inventory and are determined as either eligible or not eligible for the National Register. Eligibility is reviewed, and concurrence given, by MtSHPO. Sites that are determined eligible are then either protected in-place or adverse impacts must be mitigated. This process takes place prior to any decisions relative to the project.

The Flathead National Forest operates under the terms of the R1 Programmatic Agreement between Region One of the Forest Service, the MtSHPO, and the Advisory Council for Historic Preservation. The Programmatic Agreement provides a streamlined process for complying with section 106 of the National Historic Preservation Act as amended (NHPA). The efficiencies provided by the PA should allow more time for the Forest Heritage program to fulfill the Forest's responsibilities under section 110 of NHPA.

The Confederated Salish and Kootenai Tribes of Montana (CSKT) have reserved treaty rights under the Hellgate Treaty of 1855. These include hunting, gathering, and grazing rights. The Forest Service also has obligations under the American Indian Religious Freedom Act (AIRFA) of 1978 to "protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian" [Public Law 95-442]. Executive Order 13007 of 1996 further directs federal agencies to accommodate access to, and ceremonial use of, Indian sacred sites by Indian religious practitioners and to avoid adversely affecting such sites.

The Confederated Salish and Kootenai Tribes of Montana have been identified as a tribal group concerned about the management of heritage resources on the Flathead National Forest. The tribes were contacted in the initial planning stages of the Logan Creek Ecosystem Restoration Project in order to establish lines of communication between the two parties, to advise them on the scope of the undertaking including potential effects, and to make their resource concerns (if any) an official part of the project record. Consultation with recognized tribal governments is further defined and required by the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 [Public Law 101-106], the 1992 amendments to the National Historic Preservation Act (NHPA), and the 1999 revisions to the implementing regulations in 36 CFR Part 800; Protection of Historic Properties.

The Flathead Forest Plan incorporates the requirements under the following statutes: the National Historic Preservation Act of 1966 (as amended) and the American Indian Religious Freedom Act (1978). Forest Plan standards applicable to this project which reflect the mandates under the above statutes include:

☐ Inventory procedures

"Cultural resource inventories will be conducted on all ground disturbing projects that are generated, licensed, permitted, or allowed to occur by the Forest Service."

☐ Evaluation procedures

"Identified cultural resources will be evaluated in relation to published criteria for eligibility to the NRHP."

☐ Protection/preservation measures

"Known, significant cultural resource sites on the Forest will be protected from inadvertent or intentional damage or destruction."

☐ Coordination/consultation procedures

"The Forest will make an effort to coordinate cultural resource issues and concerns with appropriate Native American groups, other Federal and State agencies, the historical and archaeological communities, and the general public."

Environmental Consequences

As described in the regulatory framework section above, the Forest Service is required under several statutes to protect and manage cultural sites. These requirements are carried forward in the Flathead Forest Plan standards for heritage resources (Forest Plan, pages II-18 to II-21).

Heritage resource inventories are required by the Forest Plan prior to all ground disturbing projects in order to locate and identify historic or Native American sites or artifacts. Once sites or artifacts are identified in a project area, protective measures are carried out that would ensure preservation of the values associated with the site.

Heritage resources can be diminished in value by any change in their historical, architectural, archaeological, or cultural character. Adverse impacts to heritage resource sites can result in damage or complete destruction of the sites; effects of this damage may be irreversible.

Direct and Indirect Effects of the No Action and Action Alternatives

Implementation of the No Action alternative would neither directly nor indirectly affect cultural resources because there would be no change to the integrity of important cultural resources as a result of no activities being implemented. Implementation of an action alternative would also neither directly nor indirectly affect cultural resources because there would be no change to the integrity of important cultural resources as a result of avoidance or mitigation of activities in the vicinity of heritage resources.

Although the field inventory will be completed prior to specific project implementation, adherence to the regulations for implementing the National Historic Preservation Act ensures that important cultural resources are identified prior to project implementation and that project effects are identified and either avoided or mitigated through project redesign. Site significance and project effects are determined through consultation with MtSHPO and the CSKT.

It is recognized that even the most intensive field surveys may not locate all cultural sites. The portions of this project that would be implemented through a timber sale contract under any action alternative would include the "B6.24# Protecting of Cultural Resources" clause which enables the Forest Service to modify or cancel a timber sale contract to protect heritage resources, regardless of when they are identified.

Cumulative Effects

There would be no cumulative effects to identified heritage resources in the Logan Creek analysis area from any proposed activities. However, any such effects would be identified as part of the consultation process with MtSHPO and the CSKT and appropriate avoidance or moderating measures would be developed.

REGULATORY CONSISTENCY

Protection of historic and prehistoric heritage resources are prescribed in a number of laws including the National Historic Preservation Act of 1966 (as amended in 1980). Implementing regulations for the NHPA are codified in 36 CFR 800. Forest Plan standards and guidelines are designed to meet the requirements of these regulations. All Logan Creek project alternatives are consistent with the laws and regulations listed above and incorporated into the requirements of the Flathead Forest Plan. Section 106 compliance and consultation with MtSHPO for this project has been completed.